



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,639	03/21/2001	Frank van Diggelen	GLBL/006	2896

7590

09/20/2004

THOMASON, MOSER & PATTERSON, LLP
SUITE 100
595 SHERWSBURY AVENUE
SHREWSBURY, NJ 07702

EXAMINER

ZEWDU, MELESS NMN

ART UNIT PAPER NUMBER

2683

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/813,639

Applicant(s)

DIGGELEN, FRANK VAN

Examiner

Meless N Zewdu

Art Unit

2683

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5, 7-20 and 22-24.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The combination of references teach about providing/receiving location based information for a wireless communication device using a predetermined email address (see attached Detailed Action)..

DETAILED ACTION

Advisory Action

1. This action is in response to the communication filed on 8/5/04.
2. Claims 1-5, 7-20, and 22-24 are pending in this action.

Remarks:

In the remarks section of the response to the final Office Action mailed on 6/7/04, applicant asserts that the combination of Ben-Yehezkel and Holnd fails to teach or suggest a method of providing location-based information for a wireless device that **“receives an electronic mail message associated with a pre-determined address from a wireless device via a wireless network.”** Examiner respectfully disagrees with the argument for the following reasons. (1) Ben-Yehezkel discloses/provides a method and system of wireless communication (see at least, abstract and fig. 1) for providing location-based information services to a requesting user wherein the user device includes, in the alternate or in combination, a cellular phone, a computer, a mobile data terminal, a PDA etc. In general, Ben-Yehezkel’s teaching is fundamentally similar to the feature presented in the argument by applicant. But, as discussed in the final Office Action, Ben-Yehezkel does not explicitly teach about the medium of communication, particularly does not say whether the medium is an email, as claimed by applicant. However, this deficiency is cured with the teaching provided by Holland.

Art Unit: 2683

Holland teaches that a subscriber, using a wireless device like, PDA, portable or laptop computer, a cellular phone capable of browsing web pages, etc. can communicate with a server computer via the Internet by having a web browser program, such as Netscape, Internet Explorer, AOL etc. loaded in a RAM (see col. 9, lines 19-62). It is clearly shown that the subscriber device and the server computer communicate using TCP/IP protocol, which in other words is, or at least includes, a text based/email communication system. So, the argument settles down to whether an email address is predetermined or not. As discussed, in the final Office Action (see page 2, lines 10-12), an email address is predefined and predetermined, as well known by one of ordinary skill in the art. Therefore, examiner has found applicant's argument against the final Office Action not persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2683


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

M. Z.

Examiner

19 September


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600